Cl- 10+10+10+10+10+10=140

(8)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 2146 OF 2002

PETITIONER : Bhagwat Prasad Sahu, son of Shri Ram Kishun Sahu, aged about 45 years, resident of Village and Post- Bheri Kalan, Tehsil and District- Rajnandgaon (CG).

V E R S U S

RESPONDENTS :
1. The State of Chhattisgarh, through its Secretary, Department of Health and Family Welfare, Mantralay, D.K.S. Building, Raipur, (CG)

P.R. No. 2205/02 Presented by Shri Sanjay Dubey on 11/10/02

:
2. The State of Madhya Pradesh, through its Secretary, Department of Health and Family Welfare, Mantralay, Vallabh Bhawan, Bhopal, (M.P.)

:
3. The M.P. Board of Ayurvedic and Unani System of Medicine and Naturopathy, Bhopal (MP), through the Registrar, Shyamla Hillas, Bhopal (MP).

:
4. Chhattisgarh Board of Ayurvedic and Unani system of Medicine and Naturopathy, Raipur, through its Registrar, Raipur (CG).

WRIT PETITION UNDER ARTICLE 266/227 OF THE CONSTITUION OF INDIA.

COPY.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(42)

आदेश पत्रक

मामला क्रमांक W.P. NO. 2146/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	18/02/2003 Shri Prashant Mishra, counsel for the petitioner. Shri Ranbir Singh, GA for the State. Heard. Since a common question is involved in this writ petition, on the prayer of the learned counsel for the parties, it is heard and is being disposed of at the admission stage. In view of the limited nature of the prayer made at the time of hearing, which is for a direction to the respondent No.4 to consider the question of registration of the petitioner in accordance with the rules, regulations and guidelines governing the field, no useful purpose will be served in keeping this writ petition pending, which on the prayer of learned counsel for the parties, is being disposed of at the admission stage. According to the petitioner, he has acquired Vaidya Visharad and Ayurved Ratna qualification from Hindi Sahitya Sammelan, Prayag – Allahabad and on the basis thereof, he had approached respondent No.4 for issuance of a form so as	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(43)

आदेश पत्रक

W.P. मामला क्रमांक 2146 सन् 200 2

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to enable him to apply for registration, but the said respondent No.4 did not issue any form with the result that he has not been able to get himself registered as Pharmacist. Aggrieved therewith, the petitioner is before this Court.

In support of his claim for registration, reliance is placed on a decision of the M.P. High Court in M.P. No.287/1990 (Sekhar Jain –Vs- State of M.P.) and Chhattisgarh High Court in W.P.No.558/2001 (Zehirulla Khan & another - Vs – State of Chhattisgarh & others), copies whereof are annexed as P/1 & P/8 to the writ petition. In rebuttal, the State has relied on the judgment of the Supreme Court in the case of State of Rajasthan - Vs - Lata Arun, 2002 A.I.R. S.C.W. 2966. However, in view of the limited nature of the prayer made, it is not necessary to go into the merits of the case.

Accordingly, in view of the prayer made at the time of hearing, the writ petition is disposed of by directing the respondent No.4 to issue the appropriate form to petitioner, so as to enable him to apply for registration. It is made clear that the issuance of a form under the direction of a Court is not to be

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

WP. मामला क्रमांक 2146 सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

construed as a direction requiring the said respondent to grant registration to the petitioner. The question of his registration will have to be decided on merits by the respondent No.4 in accordance with the rules, regulations and guidelines governing the field and in case the authorities come to the conclusion that under the said rules, regulations and guidelines the petitioner is not entitled for registration, this order shall not preclude them from passing appropriate orders to that effect.

In view of the above, M.W.P.No. 1210/2002 for interim relef and I.A.No. 6931/2002 for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-
P.C NAIK
Judge

Raju

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